

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-0667V

CARISSA PHOTOPoulos, Personal
Representative of ESTATE OF
STEVEN WEDEKIND,

Petitioner,
v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: April 2, 2024

Leigh Finfer, Muller Brazil, LLP, Dresher, PA, for Petitioner.

Mary Novakovic, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On May 5, 2023, Carissa Photopoulos, Personal Representative of the Estate of Steven Wedekind, filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that Mr. Wedekind suffered Guillain-Barre Syndrome (“GBS”), and subsequently death, resulting from an influenza (“flu”) vaccine Mr. Wedekind received on October 9, 2021. Petition at 1. Petitioner further alleges that the flu vaccine was administered in the United States, Mr. Wedekind’s death was caused by his GBS, and neither Petitioner, nor any other party, has ever filed any action or received compensation in the form of an

¹ Because this Ruling contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims’ website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

award or settlement for Mr. Wedekind's vaccine-related injury. Petition at ¶¶ 1, 5-7; Ex. 7. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On April 1, 2024, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, Respondent agrees that the records establish the requirements set forth in the Qualifications and Aids to Interpretation for a flu/GBS Table injury and there is no alternative cause that explains Mr. Wedekind's condition or death. *Id.* at 5. Respondent thus agrees that that Petitioner is entitled to compensation under the Vaccine Act. *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master